

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 02/26/20

February 24, 2020

Via CM/ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

**Re: *Delacruz v. Jamba Juice*
Case No. 1:19-cv-10321**

Dear Judge Woods:

The undersigned represents Jamba Juice Company, Defendant in the above-referenced matter (“Defendant”). Pursuant to Local Civil Rule 7.1(d) and Rule 1.E. of Your Honor’s Individual Practices and Rules, the undersigned and counsel for Plaintiff jointly write to request a stay of this action. The stay is requested to allow for the resolution of motions to dismiss in similar matters, alleging violations of the ADA arising out of gift cards which do include Braille, currently pending before the Court and before other judges in the district. The stay would allow the parties to review any decision issued in these matters and has the potential to substantially conserve the resources of both the parties and the Court. A similar stay was recently granted by the Court on the same grounds in *Calcano v. Domino’s Pizza, Inc.*, Case No. 1:19-cv-09823-GHW (S.D.N.Y.). The only deadline impacted by the proposed stay is the February 24, 2020, deadline for Defendant to file its motion to dismiss.

The undersigned has conferred with counsel for Plaintiff, and the parties jointly seek the requested relief.

Alternatively, should the Court not grant the requested stay, Defendant requests a 10-day enlargement of time, up to and including, March 5, 2020, to file its motion to dismiss. Defendant's current deadline to move to dismiss the Class Action Complaint is February 24, 2020. The undersigned has conferred with counsel for Plaintiff regarding this request, and they consent to the extension. This is the Defendant's second request for an extension of time.

Thank you in advance for your consideration of this matter.

Respectfully submitted,

/s/ Alexander P. Fuchs
Alexander P. Fuchs
Attorney for Jamba Juice Company

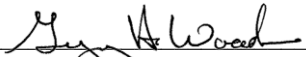
APF/fa

Cc: Jeffrey M. Gottlieb (via ECF)
Dana L. Gottlieb (via ECF)

Application granted. This case is stayed to permit the resolution of motions to dismiss in similar matters currently pending before the Court and elsewhere in this district. The stay will remain in effect until July 21, 2020 or such earlier date as the Court may determine. The parties are directed to submit a joint status letter to the Court no later than July 14, 2020. In addition, no later than five days following the issuance of any opinion(s) in the Second Circuit evaluating the merits of claims such as those advanced by Plaintiff here, the parties are directed to submit a joint status letter addressing the impact of the decision(s) on the viability of this case and the continued need for a stay.

SO ORDERED.

Dated: February 26, 2020
New York, New York


GREGORY H. WOODS
United States District Judge